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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,318	07/31/2002	Franz Egger	449122026100	7286
25227	7590	01/12/2006	EXAMINER	
MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 300 MCLEAN, VA 22102			KNOWLIN, THJUAN P	
			ART UNIT	PAPER NUMBER
			2642	
DATE MAILED: 01/12/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/089,318	EGGER ET AL.
<b>Examiner</b>	<b>Art Unit</b>	
	Thjuan P. Knowlin	2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 21 October 2005.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 19-35 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 19-35 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 29 March 2002 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed on October 21, 2005 has been entered. Claims 19 and 26 have been amended. Claims 1-18 have been cancelled. No claims have been added. Claims 19-35 are still pending in this application, with claims 19 and 26 being independent.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 19-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. The language of claims 19 and 26 is confusing to the Examiner. Applicant uses terms that are unclear to the Examiner, such as "common signaling channel." Should this be "common channel signaling"? Examiner would like to bring to Applicant's attention that "common channel signaling" is a term of art.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 19-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayball et al (US 6,356,627), in view of Mauger et al (US 6,917,586).
5. In regards to claims 19 and 26, Hayball discloses a method and apparatus for switching a connection between subscribers (See Fig. 3, calling subscriber terminal 380, and called party/service 382) of a communications network including a "common signaling channel" (common channel signaling) (See Fig. 3 and SS7/signaling source 30) that carries a control signal for controlling a call function, information channels (See Fig. 3 and voice paths/routes 354 and 356) independent from the "common signaling channel" for carrying at least voice data (See col. 10-11 lines 58-67), a transit exchange (See Fig. 3 and MSH sub-net 350) comprising at least one switching network (See Fig. 3 and ATM (Broadband) Network 40) and associated line trunk groups (See Fig. 3 and multi-service hubs (MSH) MSHs 302, 304, 306, and 308), the switching being effected at a request of an external communication network, the method comprising: connecting two inputs (See Fig. 3 and exchanges/switches 32 and 34) corresponding to information channels (See Fig. 3 and voice paths/routes 354 and 356) of respective line trunk groups (See Fig. 3 and multi-service hubs (MSH) MSHs 302, 304, 306, and 308) to another, thereby allocating the information channels to each other (See Fig. 3 and col. 10 lines 41-67); transmitting a control signal on the "common signaling channel" (common channel signaling) (See Fig. 3 and SS7/signaling source 30) indicating that a connection to a first subscriber (See Fig. 3 and calling subscriber terminal 380) of the

communications network is switched through a first information channel (See Fig. 3 and voice path/route 354) of the information channels (See col. 8 lines 12-20 and col. 11-12 lines 66-12); and transmitting a control signal on the "common signaling channel" (common channel signaling) indicating that a connection to a second subscriber (See Fig. 3 and called party/service 382) of the communications network is switched through a second information channel (See Fig. 3 and voice path/route 356) of the information channels (See col. 11-12 lines 66-12, col. 12 lines 13-33, and col. 12 lines 51-60).

Hayball, however, does not disclose permanently connecting two inputs corresponding to information channels of respective line trunk groups to another, thereby allocating the information channels to each other. Mauger, however, does disclose permanently connecting two inputs (See Fig. 4 and call servers 1 and 2) corresponding to information channels of respective line trunk groups to another, thereby allocating the information channels to each other (See col. 10 lines 7-53). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to employ this feature within the system, as a way of providing a plurality of virtual traffic trunks, while still representing a single logical "signaling relation" by which SS7 user parts (i.e. the call servers) are able to communicate and interact.

6. In regards to claim 20, Hayball discloses the method, further comprising: forwarding terminal signaling of the connection to the first subscriber to the connection to the second subscriber over the "common signaling channel" (common channel signaling) (col. 11-12 lines 66-12, col. 12 lines 13-33, and col. 12 lines 51-60).

7. In regards to claims 21 and 27, Hayball discloses the method and apparatus, further comprising: signaling on the "common signaling channel" (common channel signaling) in accordance with ITU-T Signaling System No. 7 (col. 2 lines 19-28 and col. 8 lines 12-20).

8. In regards to claim 22, Hayball discloses the method, further comprising: signaling messages between the connection and the first subscriber to the connection of the second subscriber in accordance with ITU-T Signaling System No. 7 (col. 2 lines 19-28, col. 8 lines 12-20, and col. 11-12 lines 66-5).

9. In regards to claim 23, Hayball discloses the method, further comprising: transmitting control signals via an existing controller (signaling server 352) of the transit exchange (MSH sub-net 350) (col. 10 lines 41-57, col. 11 lines 36-57, and col. 12 lines 34-50).

10. In regards to claims 24 and 34, Hayball discloses the method, further comprising: initiating a connection after a request from another communication network by a program installed on a network server (computer 410) which is connected to another communication network (broadband/ATM/Internet Protocol (IP) domain 401) (col. 15 lines 25-56).

11. In regards to claims 25 and 35, Hayball discloses the method, wherein the another communication network is the Internet (broadband/ATM/Internet Protocol (IP) domain 401) (col. 15 lines 13-24).

12. In regards to claims 28, 29, and 32, Hayball discloses the apparatus, wherein the inputs are compatible with PCM transmission links (col. 1-2 lines 63-10).

13. In regards to claim 30, Hayball discloses the apparatus, wherein the controller is an existing controller of the transit exchange (col. 10 lines 41-57, col. 11 lines 36-57, and col. 12 lines 34-50).
14. In regards to claim 31, Hayball discloses the apparatus, wherein the transit exchange is of an EWSD (Electronic World Wide Switching Device) (col. 11 lines 11-28 and col. 11 lines 36-57).
15. In regards to claim 33, Hayball discloses the apparatus, wherein the inputs are connected at one line trunk group (Fig. 3 and col. 10 lines 41-67).

#### ***Response to Arguments***

16. Applicant's arguments with respect to claims 19-35 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cable et al (US 6,570,868) teach a system and method for establishing a communication connection. Hayball et al (US 6,385,196) teach a communication system architecture and a management control agent and operating protocol therefor.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P. Knowlin whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

19. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
20. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thjuan P. Knowlin



**BING Q. BUI  
PRIMARY EXAMINER**